## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	IITED STATES OF AMERICA,	)		
	Plaintiff,	) 8:11CR178 )		
	vs.	) DETENTION ORDER		
ΜI	CHAEL FRENCH,	)		
	Defendant.	<b>,</b>		
A.	Order For Detention  After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on June 6, 2011, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).			
B.	The Court orders the defendant's detention  X By a preponderance of the evide conditions will reasonably assure the	because it finds: nce that no condition or combination of appearance of the defendant as required. to condition or combination of conditions		
C.	distribute methamphetan 846 carries a minimum se maximum of forty years methamphetamine (Cour 841(a)(1) both carry a imprisonment. (b) The offense is a crime of (c) The offense involves a na	nd includes the following: e offense charged: t to distribute and possess with intent to nine (Count I) in violation of 21 U.S.C. § entence of five years imprisonment and a s imprisonment; and the distribution of nts II and III) in violation of 21 U.S.C. § maximum sentence of twenty years violence.		
	may affect wheth The defendant h X The defendant h X The defendant h The defendant is The defendant of ties. Past conduct of to X The defendant h The defendant h	of the defendant including:  ppears to have a mental condition which her the defendant will appear. as no family ties in the area. as no steady employment. as no substantial financial resources. not a long time resident of the community. does not have any significant community		

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			e defendant has a prior record of failure to appear at
	(b)		of the current arrest, the defendant was on:
	(5)		bation
		Par	
			ease pending trial, sentence, appeal or completion of
	( )		itence.
	(C)	Other Facto	
			e defendant is an illegal alien and is subject to portation.
			e defendant is a legal alien and will be subject to
			portation if convicted.
			Bureau of Immigration and Custom Enforcement
			CE) has placed a detainer with the U.S. Marshal.
		Oth	ner:
Χ	(4) The n	nature and «	seriousness of the danger posed by the defendant's
	releas	e are as follo	ws: The nature of the charges in the Indictment and the
			ance abuse and criminal history.
			·
<u>X</u>		<u>ttable Presu</u>	
			the defendant should be detained, the Court also relied
	31426	e) which the	rebuttable presumption(s) contained in 18 U.S.C. § Court finds the defendant has not rebutted:
			ondition or combination of conditions will reasonably
	<u></u>		appearance of the defendant as required and the safety
			person and the community because the Court finds that
		the crime in	
			A crime of violence; or
		(2)	An offense for which the maximum penalty is life
		_X_ (3)	imprisonment or death; or A controlled substance violation which has a maximum
		<u>X</u> (0)	penalty of 10 years or more; or
		(4)	A felony after the defendant had been convicted of two
			or more prior offenses described in (1) through (3)
			above, and the defendant has a prior conviction for
			one of the crimes mentioned in (1) through (3) above
			which is less than five years old and which was
	X (b)	That no co	committed while the defendant was on pretrial release. Indition or combination of conditions will reasonably
	<u>X</u> (b)		appearance of the defendant as required and the safety
			nunity because the Court finds that there is probable
		cause to be	
		<u>X</u> (1)	That the defendant has committed a controlled
			substance violation which has a maximum penalty of
		(2)	10 years or more. That the defendant has committed an offense under 18
		(2)	U.S.C. § 924(c) (uses or carries a firearm during and
			in relation to any crime of violence, including a crime of
			violence, which provides for an enhanced punishment
			if committed by the use of a deadly or dangerous
			weapon or device).

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## D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: June 6, 2011. BY THE COURT:

s/Thomas D. Thalken

United States Magistrate Judge